

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AT2004/000119

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):
- ☐ the international application as originally filed/furnished
- ☐ the description:
- pages 10-17 as originally filed/furnished
- pages* 1-9, 9b received by this Authority on 21.02.2005 with letter of 21.02.2005
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-28 received by this Authority on 21.02.2005 with letter of 21.02.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/7-7/7 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☒ the claims, nos. 29
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-28	YES
	Claims		NO
Inventive step (IS)	Claims	1-28	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-28	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

This report makes reference to the following documents:

D1: EP-A-0 596 807
D2: FR-A-1 548 635
D3: DE 33 20 212 A
D4: DE 33 10 895 A
D5: EP-A-0 021 834
D6: DE 36 07 296 C
D7: US-A-3 375 321
D8: US-A-4 297 813
D9: FR-A-2 117 339

1. Independent claim 1

Document D1 discloses (see, in particular, figures 2 and 18) the combination of features defined in claim 1, as follows:

- a membrane wall element for erecting a tent or hall structure, the element comprising at least two wall membranes (3) and stretch elements (103-106), it being possible to stretch the at least two wall membranes (3) at opposite end sections by means of the stretch

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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elements (103-106), and the two wall membranes being spaced apart by at least one rigid spacer (103-106) in such a way that a cavity is formed between the at least two wall membranes.

(D2, D3, D4 and D5 also disclose the above-mentioned combination of features.)

The subject matter of claim 1 differs from the disclosure of document D1 in that:

- (A) at least one rigid spacer (2) separate from the stretch elements (5) is linked in an articulated manner to opposite inner sides of the at least two wall membranes (1A, 1B, 1C), so that in the stretched state of the at least two wall membranes (1A, 1B, 1C), the spacer (2) is adjusted by the tension applied to the wall membranes in such a way that the at least two wall membranes (1A, 1B, 1C) are kept apart.

The present invention can therefore be considered to address the problem of providing a wall element of the generic type which, although it is easy to erect and does not require the application of compressed air, possesses very good thermal properties.

The tension applied to the wall membranes adjusts the at least one spacer in such a way that it keeps apart the wall membranes, forming a thermally insulating air cushion.

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This is not the case of the devices in documents D1-D5, in which asymmetries may very easily arise, so that one of the foil surfaces of the double foil is stretched, while the other in remains in a slack state.

None of the available documents suggests feature (A). The subject matter of claim 1 therefore meets the requirements of PCT Article 33(2).

5.2 Independent claim 24 .

Claim 24 discloses a tent or hall structure using a wall element having the combination of features in claim 1 and thus also meets the requirements of PCT Article 33(2) and 33(3).

5.3 Dependent claims 2-23 and 25-28

Claims 2-23 are dependent on claim 1 and claims 26-28 are dependent on claim 24. They therefore also meet the PCT novelty and inventive step requirements.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

BOX I**Basis of the report****Inadmissible extension**

The amendments submitted with the letter of 31 July 2000 introduce substantive matter which goes beyond the original disclosure in the international application as filed, thereby contravening PCT Article 34(2)(b). This concerns the following amendment:

Claim 29

The term "central" (line 10) is not supported by the original documents.

Pursuant to PCT Rule 70.2, this report has been established without taking into account claim 29.